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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 DONALD C. BACHMAN,

11 Plaintiff,

No. CIV S-03-1735 LKK PAN P

12
13 vs.

14 S. KUHN, et al.,

15 Defendants.

ORDER

16 _____/
17 Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant
18 to 42 U.S.C. § 1983 together with a request for leave to proceed in forma pauperis pursuant to 28
19 U.S.C. § 1915. Plaintiff's application to proceed in forma pauperis was filed on October 20,
20 2003.

21 By court order filed May 5, 2004, this court dismissed plaintiff's complaint,
22 reserving ruling on his request to proceed in forma pauperis until he amended his pleading. By
23 order filed July 26, 2006, plaintiff was informed that his application to proceed in forma pauperis
24 was deficient in that it had not been certified by a prison official and was lacking a certified copy
25 of plaintiff's trust-account statement for the six-month period immediately preceding the filing of

26 /////

1 his complaint. Plaintiff was granted thirty days in which to submit a completed application to
2 proceed in forma pauperis.

3 On August 3, 2006, plaintiff filed with the court a document styled as
4 “objections” to the court’s July 26, 2006, dismissal of his application to proceed in forma
5 pauperis, in which plaintiff contends that a payment order has already been issued in this case.
6 This is not supported by the record.¹ Plaintiff’s objections are without merit.

7 On August 21, 2006, plaintiff filed with the court a document styled as a “motion
8 to prove in forma pauperis status.” Plaintiff attached to this document, as exhibit A, a certified
9 copy of his prison trust account statement for the six-month period of February 1, 2006, to
10 August 11, 2006, and as exhibit B, a certified and completed in forma pauperis application.
11 These documents are sufficient to support a grant of in forma pauperis status. Plaintiff has
12 submitted a declaration that makes the showing required by 28 U.S.C. § 1915(a). Accordingly,
13 the request to proceed in forma pauperis will be granted.

14 Plaintiff is required to pay the statutory filing fee of \$150.00 for this action. 28
15 U.S.C. § 1914(a), 1915(b)(1). Plaintiff has been without funds for six months and is currently
16 without funds. Accordingly, the court will not assess an initial partial filing fee. 28 U.S.C.
17 § 1915(b)(1). Plaintiff is obligated to make monthly payments of twenty percent of the preceding
18 month’s income credited to plaintiff’s prison trust account. These payments shall be collected
19 and forwarded by the appropriate agency to the Clerk of the Court each time the amount in
20 plaintiff’s account exceeds \$10.00, until the filing fee is paid in full. 28 U.S.C.
21 § 1915(b)(2).

22 In accordance with the above, IT IS HEREBY ORDERED that:

23 1. Plaintiff’s request for leave to proceed in forma pauperis is granted.
24

25 ¹ Plaintiff has twice objected to the court’s order to submit a certified and completed
26 application to proceed in forma pauperis, although his objections demonstrated his intention to
comply with that order.

1 2. Plaintiff is obligated to pay the statutory filing fee of \$150.00 for this action.
2 The fee shall be collected and paid in accordance with this court's order to the Director of the
3 California Department of Corrections and Rehabilitation filed concurrently herewith.

4 DATED: August 28, 2006.

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7 UNITED STATES MAGISTRATE JUDGE

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